

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34292 of 2006(G)

CS.243/2006 of MUN-MAGI COURT, PARAVOOR, KOLLAM
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PETITIONER:

BIJU, S/O. JANARDHANAN PILLAI,
MUNNAZHI PADINJATATHIL VEEDU,
KOONAYIL, PARAVOOR VILLAGE.

BY ADV. SRI.V.VENUGOPALAN NAIR
SRI.C.UNNIKRISHNAN (KOLLAM)

RESPONDENTS:

1. AYUB KHAN, S/O.MUHAMMED HANEEFA,
ASANTAZHIKAM VEEDU, THEKKUMBHAGAM,
KOTTAPPURAM VILLAGE, PARAVOOR P.O.,
KOLLAM.

2. THE PARAVOOR MUNICIPALITY
REP. BY ITS SECRETARY MUNICIPAL OFFICE,
PARAVOOR, KOLLAM.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO.34292 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is defendant and respondent the plaintiff in O.S.243/06 on the file of Munsiff-Magistrate court, Paravoor, Kollam. Ex-parte order of temporary injunction was passed by Munsiff against petitioner in Ext.P1 application filed under Order XXXIX Rule 1 of the Code of Civil Procedure on 10/11/2006. According to the petitioner he filed Ext.P2 objection and Ext.P3 application to advance I.A.1452/06, but it was not advanced and injunction petition was not heard. Petitioner also filed Ext.P4 application later for hearing the matter. It was not heard. According to petitioner he submitted original Ext.P6 argument notes also and still court is not passing any order.

2. Order XXXIX of Rule 3 of the Code, mandates that when an order of injunction without notice is passed, court has to pass a final order within 30 days from the date of passing of the order and if not

reason has to be stated. Grievance of the petitioner is that in spite of the objections filed and attempt to get an order vacated, Munsiff is not passing an order. Munsiff, Paravur is directed to pass final order in Exts.P1 and P4 applications without any further delay and at any rate within three weeks from the date of receipt of copy of this judgment.

Writ petition is disposed of.

**M.SASIDHARAN NAMBIAR,
JUDGE.**

uj.